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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/907,908	07/19/2001	Andre Messenger	Q65332	9943

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
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WASHINGTON, DC 20037

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/907,908

Applicant(s)

MESSAGER ET AL.

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 25, 2007 has been entered. Claims 1, 5, 9, 11, and 12 have been amended. Claims 10 and 13 have been cancelled. No claims have been added. Claims 1-9, 11, and 12 are still pending in this application, with claims 1, 5, 9, 11, and 12 being independent.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-6, and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Egawa et al (US 5,745,694).
4. In regards to claims 1, 4, 5, 8, 9, 11, and 12, Egawa discloses a method and network of providing preferential access for particular point-to-point calls between preferred users of a communication network (See Fig. 1) wherein said particular calls are established via circuits between switching nodes, said circuits comprising one circuit segment or a plurality of circuit segments connected in series, wherein for call setup

each segment is selected from available circuit segments on a trunk between two switching nodes so that a circuit is set up enabling the calling user and the called user to communicate, which method includes the steps of: permanently reserving at least one circuit segment on each trunk between switching nodes needed to set up circuits for said particular point-to-point calls between users at least one of whom is a preferred user, a permanently reserved circuit segment being available only for said particular calls between users at least one of whom is a preferred user, and dynamically allocating circuit segments selected from said reserved segments and needed to set up a circuit from a preferred user in the event of a call set-up request by said preferred user (See col. 1 lines 50-65, col. 2-3 lines 57-2, and col. 5 lines 1-12).

5. In regards to claims 2 and 6, Egawa discloses the method and network, wherein a preferred user attribute is assigned to each user and corresponds to a particular category indication in the case of preferred users included in the calling user identifier that is transmitted for setting up a circuit at the time of a call request (See col. 5 lines 1-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 7 are rejected under 103(a) as being unpatentable over Egawa et al (US 5,745,694), in view of Bressler (US 6,584,190).
7. In regards to claims 3 and 7, Egawa discloses all of claims 3 and 7 limitations, except the method and network, wherein minimum-cost algorithm used to choose a circuit set up time of a call request gives priority to choosing the shortest circuit set up via one or more reserved circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the call requested and uses an unreserved circuit segment of a trunk if no reserved segments of said trunk are available and said trunk has at least one unreserved segment available at the time. Bressler, however, does disclose the method and network, wherein minimum-cost algorithm used to choose a circuit set up time of a call request gives priority to choosing the shortest circuit set up via one or more circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the call requested (See col. 5 lines col. 9 lines 3-29). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the method and network, as a way of balancing and reducing the traffic load, and also reducing cost.

Response to Arguments

8. Applicant's arguments with respect to claims 1-9, 11, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

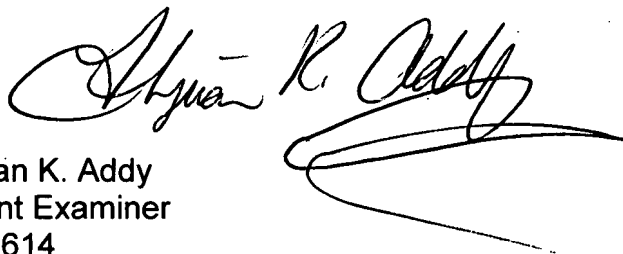
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/907,908

Page 6

Art Unit: 2614

A handwritten signature in black ink, appearing to read "Thjuan K. Addy". The signature is stylized with a large, sweeping initial "T" and a long, horizontal flourish extending to the right.

Thjuan K. Addy
Patent Examiner
AU 2614